

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., September 21, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
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AWARDS AND PRESENTATIONS

- Recognition of Children's Art Troupe from Henan Province, China.
 - Proclamations
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PUBLIC AGENDA

1. Mirko D'Angelo, Ambassador to the Wichita Supporting the Arts Campaign.
 2. Jim Lawing, Attorney at Law-Proposed Resolution Regarding the Patriot Act.
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CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated September 20, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

4. Application for Licenses for Adult Entertainment Establishments/Services:
Renewal Adult Entertainment

Norman Massey Jr.

ZigeFields

4200 West Kellogg Drive

(Item 4 continued)

New Escort Service

Nancy Scrivner

Angel Inc.

333 English Suite #100

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Preliminary Estimates:

- a) 3rd Street water main Improvements - along 3rd Street from the Little Arkansas River to Santa Fe. (448-89816/634030/773201) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$2,000,000.00
- b) 2004 contract maintenance area concrete street repairs Phase 4 - north of Pawnee, east of West Street. (472-83915/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District III, IV) - \$325,500.00
- c) Lateral 371 Four Mile Creek Sewer to serve Savanna at Castle Rock Ranch 10th Addition - north of 13th Street North, west of 143rd Street East. (468-83845/744071/480759) Does not affect existing traffic. (District II) - \$105,500.00
- d) Lateral 1, Main 6, Cowskin Interceptor Sewer to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (468-83818/744079/480767) Does not affect existing traffic. (District V) - \$274,000.00
- e) Water distribution system to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (448-89961/735213/470883) Does not affect existing traffic. (District V) - \$127,000.00
- f) Water distribution system to serve Savanna at Castle Rock Ranch 10th Addition - north of 13th Street North, west of 143rd Street East. (448-89985/735208/470878) Does not affect existing traffic. (District II) - \$47,500.00
- g) Linwood Park Tennis and Basketball Court Rehabilitation - north of Mt. Vernon, and east of Hydraulic. (472-84046/785041/394173) Does not affect existing traffic. (District I) - \$215,000.00
- h) 2004-2005 CDBG; street, curb, gutter and sidewalk improvements (Asphalt Repairs) - north of 31st Street South, east of Hillside. (472-83904/602551/800402/010111) Traffic shall be maintained during construction using flagpersons and barricades. (District III) - \$191,276.60
- i) 13th Street North to serve Liberty Park 2nd and Copper Gate Estates Additions - south of 13th Street North, east and west of 135th Street West (472-83880/765855/490966) 13th Street North shall be closed to thru traffic during construction. (District V) - \$111,028.00
- j) 2004-2005 Traffic Signalization Program, Phase II: Install traffic signals at 37th Street North & Rock Road (472-84066/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$124,830.00
- k) 2004-2005 Traffic Signalization Program, Phase II: Install traffic signals at 29th Street North & Oliver (472-84067/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$96,500.00

(Item 5 continued)

- l) 2004 Contract Maintenance Area Concrete Street Repairs, Phase 5 - north of Maple, east of West Street. (472-83916/132716/) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$351,750.00
- m) Manchester from the north line of 37th Street North to the north line of Lot 3, Block 3; Waterside from the west line of Manchester to the west line of Lot 11, Block 4; Waterside Courts (3) adjacent to Lots 1 through 29, Block 1; Sidewalk along the north side of Waterside from Manchester to the west line of Lot 11, Block 4, along the east side of Manchester from the north line of 37th Street North to Waterside and the west side of Manchester from Waterside to the north line of Lot 33, Block 4 to serve Prairie Pointe Addition - north of 37th Street North, west of Maize. (472-84023/765897/490010) Does not affect existing traffic. (District V) - \$406,390.00
- n) Storm Water Drain #231 to serve Prairie Pointe Addition - north of 37th Street North, west of Maize. (468-83810/751376/485267) Does not affect existing traffic. (District V) - \$575,000.00
- o) Lateral 500 Southwest Interceptor Sewer to serve Shady Ridge Addition - south of Central, east of Ridge. (468-83837/744068/480756) Does not affect existing traffic. (District V) - \$47,000.00
- p) Lateral 35 Cowskin Interceptor Sewer to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (468-83596/744080/480768) Does not affect existing traffic. (District V) - \$336,000.00
- q) Lateral 447 Southwest Interceptor Sewer to serve Village Charters 2nd Addition - north of 21st Street North, east of Tyler. (468-83089/744077/480765) Does not affect existing traffic. (District V) - \$30,000.00
- r) Storm Water Sewer #608 to serve Evergreen and Newmarket Square Additions - north of 21st Street North, west of Maize. (468-83827/751373/485264) Does not affect existing traffic. (District V) - \$157,000.00
- s) 2004 Sanitary Sewer Reconstruction, Phase 11 - north of MacArthur, between Meridian and Woodlawn. (468-83891/620416/664536) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III, IV, VI) - \$281,000.00

RECOMMENDED ACTION: Approve and file.

6. Deeds and Easements:

- a) Utility Easement dated August 24, 2004 from Integrated Healthcare Systems Inc., for tracts of land located in Lot 1, Block 1, Wichita Clinic Addition, an addition to Wichita, Sedgwick County, Kansas (Private Project, OCA#607861). No cost to City.
- b) Utility Easement dated July 26, 2004 from Dewitt Land Co., Inc. for tracts of land located in Lot 5, Block 3, Burnham Industrial Addition to Wichita, Kansas (L13, M14, SWI, OCA#744041). No cost to City.

(Item 6 continued)

- c) Utility Easement dated August 4, 2004 from Ronald L. and Miki M. Mires for a tract of land located in Lot 8, block 3, Burnham Industrial Addition to Wichita, Kansas (L13, M14, SWI, OCA#744041). No cost to City.
- d) Utility Easement dated August 25, 2004 from Ben James and Patricia Darlene Mires, Husband and Wife for a tract of land located in Lot 7, block 3, Burnham Industrial Addition to Wichita, Kansas (L13, M14, SWI, OCA#744041). No cost to City.
- e) Utility Easement dated August 25, 2004 from Ben James and Patricia Darlene Mires, Husband and Wife for a tract of land located in Lot 6, block 3, Burnham Industrial Addition to Wichita, Kansas (L13, M14, SWI, OCA#744041). No cost to City.
- f) Utility Easement dated August 31, 2004 from Coxco for tracts of land in Lots 1,2,4,5,6,7,8 and Reserve B, Zoo Business Park, Wichita, Sedgwick County, Kansas (M20, SWI, OCA# 744056). No cost to City.
- g) Sanitary Sewer Easement dated August 31, 2004 from Coxco for a tract of land in Lot 11, Zoo Business Park, Wichita, Sedgwick County, Kansas (M20, SWI, ICA# 744056). No cost to City.
- h) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land located in the Northwest Quarter of Section 11, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County Kansas (M20, SWI, OCA#744056). No cost to City.
- i) Utility Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land located in the Southeast Quarter of Section 33, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (1059 PPW, OCA#607861). No cost to City.
- j) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land located in the Southeast Quarter of Section 33, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County Kansas (1059 PPW, OCA# 607861). No cost to City.

RECOMMENDED ACTION: Accept documents.

7. Petitions for Public Improvements:

- a) Pave 127th Street East from Pawnee to Mt. Vernon. (District II)
- b) Storm water drains in Reed's Cove, Reed's Cove 2nd, Reed's Cove 3rd and Reed Commercial Additions, south of 21st, east of 127th Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

8. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

9. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for thirty-four (34) water projects, thirty-six (36) sewer projects and fifteen (15) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 11, 2004.

RECOMMENDED ACTION: Set the hearing on the proposed assessment rolls for 9:30 a.m., Tuesday, October 19, 2004, and direct that the notices of hearing be published at least once not less than 10 days prior to the date of the hearing.

10. Agreements/Contracts:

- a) Cowskin Creek Pump Station rehabilitation-supplemental. (District IV)
- b) Cheney Watershed sampling-U.S. Geological Survey.
- c) Food service establishment inspection Contract with the Kansas Department of Agriculture.
- d) Contract for building attendant-unarmed security of the Wichita Boathouse.
- e) Collateral Agreement with Capital Federal Savings.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Purchase of 2003 Mercury Mountaineer for Police Department Undercover Investigation Purposes.

RECOMMENDED ACTION: Approve the expenditure of funds.

12. Amendments to Salary and Position Classification Ordinance.

RECOMMENDED ACTION: Approve the amendments to the Salary and Position Classification Ordinance.

13. Office of Central Inspection Budget Adjustment.

RECOMMENDED ACTION: Approve the transfer of \$25,000 from the approved 2004 Office of Central Inspection personnel budget into the approved 2004 Office of Central Inspection dangerous building condemnation/contractual services budget.

14. Release of Escrow Funds, Via Christi Health System, Inc.

RECOMMENDED ACTION: Authorize staff to approve the release of escrow funds to Via Christi and authorize the necessary signatures.

15. Kansas Sports Hall of Fame Project Budget Amendment. (District VI)

RECOMMENDED ACTION: Approve the request of the KSHOF to use the remaining project funds towards the purchase and installation of carpet from Stuart & Associates.

16. Approval of Damage Claims.

RECOMMENDED ACTION: Authorize payment of the claims for the negotiated sum.

17. Second Reading Ordinances: (First read September 14, 2004)

a) Nuisance abatement Assessments.

1. An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas.
2. An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas.

b) ZON2004-20 - generally located one block east of the Douglas Avenue-West Street Intersection, more specifically 300-feet northeast of the Douglas Avenue-McComas Avenue Intersection. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-20

c) (ZON 2003-31) - located on the north side of K-42 Highway and West of Maize Road. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2003-31

d) Animal maintenance.

An Ordinance amending Sections 6.12.010, 6.12.020, 6.12.030, 6.12.040, 6.12.050, 6.12.060, 6.12.070, 6.12.080, 6.12.085, 6.12.090 and 6.12.100 and enacting sections 6.12.045 and 6.12.095 of the Code of the City of Wichita, Kansas pertaining to animal maintenance.

e) Residential Building Code (Title 18.06).

An Ordinance creating new Section 18.06.245 of the Code of the city of Wichita, Kansas, and pertaining to the Residential Building Codes of the City of Wichita, Kansas.

(Item 17 continued)

- f) Mechanical Code (Title 22).

An Ordinance amending Section 22.04.200 of the code of the City of Wichita, Kansas, and repealing the original of said amended section, both pertaining to the air conditioning, refrigeration and warm air heating codes of the city of Wichita, Kansas.

- g) Grove left turn lane at First Street. (District I)

An Ordinance declaring the intersection of First Street at Groove (472-84095) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- h) ZON2004-13 – west of West Street; north side of MacArthur Road. (District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-14

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning Items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

18. *ZON2004-00032-Zone change from Limited Industrial to General Commercial. Generally Located at the Southeast Corner of Douglas and LuLu, 1401 East Douglas. (District I)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve
The first reading of the ordinance establishing the zone
Change; or
2. Return the application to the MAPC for
reconsideration.

19. *CUP2004-30 DP277, Associated with ZON2004-35-Creation of the Bruce Brown Property Community Unit Plan; and Zone Change from Single-family Residential to Limited Commercial. Generally Located on the East Side of Greenwich Road Approximately One-Fourth Mile South of 21st Street North. (District II)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the
zone change and CUP subject to the condition of
platting within one year and the recommended
conditions; instruct the Planning Department to
forward the ordinance for first reading when the
plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

20. *SUB2004-66-Plat of Woodland Lakes Estates Fourth Addition, Located North of Harry and West of 127th Street East. (District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the resolutions.

21. *SUB2004-89-Plat of Evergreen Fifth Addition, Located on the South Side of 29th Street North, West of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and adopt the resolutions.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on Items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

22. Airfield Pavement Rehabilitation, Colonel James Jabara Airport.

RECOMMENDED ACTION: Approve the project, adopt the resolution, approve the grant application and receipt of funds and authorize he necessary signatures.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on Items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

23. Revisions of the 2003 and 2004 HUD Capital Fund Grant Budgets.

RECOMMENDED ACTION: Approve the revisions to the 2003 and 2004 HUD Capital Fund Grant Budgets.

24. Admissions & Continued Occupancy Policy (ACOP).

RECOMMENDED ACTION: Review and approve the Admissions and Continued Occupancy Policy revisions for the administration of the Public Housing Program.

25. 2005 Section 8 (S8) Voucher Grant Requisition for Partial Payment of Annual Contributions.

RECOMMENDED ACTION: Approve the requisition for partial payment of annual contributions and authorize the necessary signatures for submittal to HUD.

CITY COUNCIL

26. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

27. Selection of National League of Cities Annual Business Meeting Voting and Alternate Voting Delegates.

The City of Wichita may select one Voting Delegate and one Alternate Voting Delegate to represent the City in the conduct and management of the affairs of the National League of Cities at the Annual Congress of Cities Indianapolis, Indiana (Business Meeting) December 4, 2004.

RECOMMENDED ACTION: Approve the voting and alternate delegate(s).

28. Approval of Travel Expenses for Mayor for Sister Cities Official Visit to Kaifeng, China, October 15-23, 2004

RECOMMENDED ACTION: Approve the expenditures.

UNFINISHED BUSINESS

29. City Buildings and Facilities-Americans with Disabilities Act Compliance.
(Deferred August 17, 2004)

RECOMMENDED ACTION: Approve the project; adopt the Bonding Resolution; authorize staff to issue Requests for Proposals for a Transition Plan of existing buildings/facilities/programs for ADA compliance and authorize the necessary signatures.

30. Fraternal Order of Police Fact-Finding.
(Deferred August 31, 2004)

RECOMMENDED ACTION: Take such action as the City Council deems to be in the public interest, including the interest of the public employees involved.

NEW BUSINESS

31. An Ordinance Creating Section 5.15.010 of the Code of the City of Wichita, Kansas, Pertaining to the Creation of the Crime of Intimidation of a Victim or Witness.

Currently, the City of Wichita does not have a City Code that makes it unlawful for a person to prevent another person from calling 911 for assistance. The State of Kansas has enacted State Statute 21.3832 Intimidation of witness or victim. This ordinance patterned after state statute, creates a new crime of interfering or preventing a victim or witness from reporting a crime.

RECOMMENDED ACTION: Place the Ordinance on first reading.

32. Computerized Ticketing System/Century II. (District I)

Century II will benefit from automated accounting of all ticket sales, greatly improved access control and added revenue streams from advertising opportunities.

RECOMMENDED ACTION: Authorize the purchase; approve the personnel required to operate the box office; approve the budget transfers and authorize the necessary signatures.

33. City Hall Landscape and Security Enhancements.

In September 2003, Council approved a contract with Schaefer Johnson Cox Frey Architecture (SJCF) to provide services related to enhancing security and landscaping features to the exterior of City Hall and the auto service tunnel. The scope of work required to complete the project and enhance the needs of City Hall security have grown to include parking lot modifications and redesigning the atrium.

RECOMMENDED ACTION: Authorize the project, approve the amendment to the contract with Schaefer Johnson Cox Frey Architecture and adopt the Bonding Resolution to allow funding for the improvements to the City Hall campus.

34. STAR Bonds for WaterWalk Project. (District I)

On September 10, 2002, the City Council approved the Development Agreement and Master Plan for the WaterWalk Redevelopment Project, located in the East Bank Redevelopment District in downtown Wichita. On December 2, 2003, the City Council approved amendments to the Developing Agreement. The improvements were projected to add approximately \$24 million to the costs to be paid by the City, with the sole source of funding identified as STAR bond proceeds.

RECOMMENDED ACTION: 1) Endorse the choice of Gander Mountain to serve as destination retailer in the WaterWalk Project; 2) approve the recommended amendments to the CIP; 3) adopt the amended bonding resolution authorizing the use of G.O. Bond financing for the combined project; 4) give preliminary approval to the enlargement of the WaterWalk STAR Bond Area to include the River Corridor project area, as shown on the attached map; 5) adopt the resolution setting November 16, 2004 for a public hearing on the expansion of the East Bank Redevelopment District; 6) direct staff to return with necessary amendments to the WaterWalk Developer Agreement and the approving ordinance required under Charter Ordinance No. 177; and 7) direct staff to return with necessary amendments to Charter Ordinance No. 192 that would allow Gander Mountain to obtain a license to sell used merchandise.

35. Transfer of Funds to Ice Rink Management Fund.

Funds available for the payment of ice rink operations has slowly diminished, to the point that it is now necessary to transfer funds to the Ice Rink Management Fund in order to address a short term cash flow shortfall.

RECOMMENDED ACTION: Approve the transfer of \$100,000 from the General Fund Reserves to the Ice Rink Management Fund.

Adjournment

Workshop to follow